



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office*
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,188	03/19/2001	Tomoshi Hirayama	204947US6	6951

7590 10/18/2004
OBLON SPIVAK MCCLELLAND MAIER nEUSTADT
1755 JEFFERSON DAVIS HIGHWAY
FOURTH FLOOR
ARLINGTON, VA 22202

EXAMINER

BRUCKART, BENJAMIN R

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/810,188	Applicant(s) HIRAYAMA, TOMOSHI	
	Examiner Benjamin R Bruckart	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-13 are pending in this Office Action.

Election/Restrictions

An election was made with traverse filed on 8/6/04 to prosecute group I, claims 1-13.

Claims 14-26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application.

Applicant is reminded that to traverse this requirement on the grounds that the groups are not patentably distinct, applicant should present evidence or identify such evidence now of record showing the groups to be obvious variations of one another. If the groups are determined not to be patentably distinct and they remain in this application, any rejection of one group over prior art will apply equally to all other embodiments. See *Ex parte Appeal No. 315-40*, 152 USPQ 71 (Bd. App. 1965). No argument asserting patentability based on the differences between the groups will be considered once the groups have been determined to comprise a single inventive concept.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. (Page 53, 2nd paragraph). The examiner suggests applicant change the URLs to www dot cdshop dot com or cdshop dot com.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said first information processing means" on page 125, lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. This seems to be a typographical error and should be "said first information processing apparatus."

Claim 5 recites the limitation "the user " on page 125, claim 5, third line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 6-10, 12-13 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,292,833 by Liao et al.

Regarding claim 1, an information processing apparatus connected by a network to a first information processing apparatus for presenting a content (Liao: col. 2, lines 20-28; col. 4, lines 10-31) comprising:

an acquisition means for acquiring information on said first information processing apparatus (Liao: col. 9, lines 10-18; from message forwarded) and information on a content presented by said first information processing apparatus from said first information processing apparatus (Liao: col. 8, lines 60-67; obtained from header);

a generation means for generating information processing apparatus identification information for identifying said first information processing apparatus (Liao: col. 7, lines 6-22; origin of the message) and generating content identification information for identifying a content

on the basis of said information on said first information processing apparatus and said information on a content (Liao: col. 7, lines 34-63; content identification is the service identity), which are acquired by said acquisition means;

a storage means for storing said information processing apparatus identification information and said content identification information (Liao: col. 9, lines 10-29; control tables; col. 13, lines 45-55), which are generated by said generation means, by associating said information processing apparatus identification information with said content identification information (Liao: col. 7, lines 23-54; match; col. 13, lines 8-22, 46-55); and

a transmission means for transmitting information on association stored in said storage means to a second information processing apparatus in response to a request made by said second information processing apparatus through said network (Liao: col.13, lines 56- col. 14, lines 25).

Regarding claim 6, an information processing method adopted in an information processing apparatus connected by a network to a first information processing apparatus for presenting a content (Liao: col. 2, lines 20-28; col. 4, lines 10-31) comprising the steps of:

acquiring information on said first information processing apparatus (Liao: col. 9, lines 10-18; from message forwarded) and information on a content presented by said first information processing apparatus from said first information processing apparatus (Liao: col. 8, lines 60-67; obtained from header);

generating information processing apparatus identification information for identifying said first information processing apparatus (Liao: col. 7, lines 6-22; origin of the message) and generating content identification information for identifying a content on the basis of said information on a first information processing apparatus and said information on a content (Liao: col. 7, lines 34-63; content identification is the service identity), which are acquired by the processing at said acquisition step;

storing said information processing apparatus identification information and said content identification information (Liao: col. 9, lines 10-29; control tables; col. 13, lines 45-55), which are generated by the processing at said generation step, by associating said information

processing apparatus identification information with said content identification information (Liao: col. 7, lines 23-54; match; col. 13, lines 8-22, 46-55); and

transmitting information on association stored by the processing at said storage step to a second information processing apparatus in response to a request made by said second information processing apparatus through said network (Liao: col.13, lines 56- col. 14, lines 25).

Regarding claim 7, a recording medium for recording a computer executable program of an information processing apparatus connected by a network to a first information processing apparatus for presenting a content (Liao: col. 2, lines 20-28; col. 4, lines 10-31), said program comprising:

an acquisition step of acquiring information on said first information processing apparatus (Liao: col. 9, lines 10-18; from message forwarded) and information on a content presented by said first information processing apparatus from said first information processing apparatus (Liao: col. 8, lines 60-67; obtained from header);

a generation step of generating information processing apparatus identification information for identifying said first information processing apparatus (Liao: col. 7, lines 6-22; origin of the message) and generating content identification information for identifying a content on the basis of said information on a first information processing apparatus and said information on a content (Liao: col. 7, lines 34-63; content identification is the service identity), which are acquired by the processing at said acquisition step;

a storage controlling step of controlling storage of said information processing apparatus identification information and said content identification information (Liao: col. 9, lines 10-29; control tables; col. 13, lines 45-55), which are generated by the processing at said generation step, by associating said information processing apparatus identification information with said content identification information (Liao: col. 7, lines 23-54; match; col. 13, lines 8-22, 46-55); and

a transmission step of transmitting information on association, whose storage is controlled by the processing at said storage controlling step to a second information processing

apparatus in response to a request made by said second information processing apparatus through said network (Liao: col.13, lines 56- col. 14, lines 25).

Regarding claim 8, an information processing apparatus (Liao: col. 2, lines 20-28; col. 4, lines 10-31) comprising:

an extraction means for extracting content identification information for identifying a content presented by a first information processing apparatus (Liao: col. 9, lines 10-18; from message forwarded) and first information processing apparatus identification information for identifying said first information processing apparatus from a received signal (Liao: col. 8, lines 60-67; obtained from header);

a storage means for storing second information processing apparatus identification information for identifying said information processing apparatus itself (Liao: col. 7, lines 23-54; match; col. 9, lines 10-29; control tables; col. 13, lines 8-22, 45-55); and

a request means for transmitting said content identification information and said first information processing apparatus identification information, which are extracted by said extraction means (see above; Liao: col.13, lines 56- col. 14, lines 25), along with said second information processing apparatus identification information stored in said storage means to a second information processing apparatus so as to request said first information processing apparatus to present a content identified by said content identification information (Liao: col.13, lines 8-22, 56- col. 14, lines 25; device and service ID).

Regarding claim 9, an information processing apparatus according to claim 8, wherein said information processing apparatus further includes a transfer means for transferring said second information processing apparatus identification information in advance to said second information processing apparatus for storing said second information processing apparatus identification information (Liao: col. 9, lines 23-29; Figure 2; authorized service identities, before needing 3rd party verification: col. 9, lines 62- col. 10, line 4).

Regarding claim 10, an information processing apparatus according to claim 8, wherein said extraction means further extracts additional related information related to additional data added by a user (Liao: col. 7, lines 29-33); and

said apparatus further comprises an acquisition means for acquiring said additional data related to said additional related information (Liao: col. 12, lines 37-48).

Regarding claim 12, an information processing method (Liao: col. 2, lines 20-28; col. 4, lines 10-31) comprising the steps of:

extracting content identification information for identifying a content presented by a first information processing apparatus (Liao: col. 9, lines 10-18; from message forwarded) and first information processing apparatus identification information for identifying said first information processing apparatus from a received signal (Liao: col. 8, lines 60-67; obtained from header);

storing second information processing apparatus identification information for identifying an information processing apparatus adopting said information processing method itself (Liao: col. 9, lines 10-29; control tables; col. 13, lines 45-55); and

transmitting said content identification information and said first information processing apparatus identification information, which are extracted by the processing at said extraction step (See above; Liao: col. 13, lines 56- col. 14, lines 25), along with said second information processing apparatus identification information stored by the processing at said storage step to a second information processing apparatus so as to request said first information processing apparatus to present a content identified by said content identification information (Liao: col. 13, lines 8-22, 56- col. 14, lines 25; device and service ID).

Regarding claim 13, a recording medium for recording a program executable by a computer (Liao: col. 2, lines 20-28; col. 4, lines 10-31), said program comprising:

an extraction step of extracting content identification information for identifying a content presented by a first information processing apparatus (Liao: col. 9, lines 10-18; from message forwarded) and first information processing apparatus identification information for

identifying said first information processing apparatus from a received signal (Liao: col. 8, lines 60-67; obtained from header);

storage step of storing second information processing apparatus identification information for identifying an information processing apparatus executing said program itself (Liao: col. 9, lines 10-29; control tables; col. 13, lines 45-55); and

a request step of transmitting said content identification information and said first information processing apparatus identification information, which are extracted by the processing at said extraction step (see above: Liao: col.13, lines 56- col. 14, lines 25), along with said second information processing apparatus identification information stored by the processing at said storage step to a second information processing apparatus so as to request said first information processing apparatus to present a content identified by said content identification information (Liao: col.13, lines 8-22, 56- col. 14, lines 25; device and service ID).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2-3, 11 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,292,833 by Liao et al in view of U.S. Patent No 6,686,880 by Marko et al.

Regarding claim 2,

The Liao reference teaches an information processing apparatus according to claim 1 where information processing apparatus identification information and said content identification information are disseminated.

The Laio reference does not explicitly state broadcast identification.

The Marko reference teaches information disseminated by broadcasting, acquiring broadcasting identification information (transmission identification information) assigned to said broadcasting (Marko: col. 4, lines 61- col. 5, line 13); and

said storage means further stores said broadcasting identification information (transmission identification information) by associating said broadcasting identification information (transmission identification information) with said information processing apparatus identification information and said content identification information (Marko: col. 5, lines 10-13).

The Marko reference further teaches the invention utilizes a system controller to format message with an ID for a cost effective broadcast transmission (Marko: col. 6, lines 17-36).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the information processing apparatus as taught by Laio while employing broadcast identifiers as taught by Marko in order to utilize cost effective broadcasts with Identifiers.

Claim 3 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Marko and Liao.

Regarding claim 3, an information processing apparatus according to claim 2, wherein said storage means further stores the address of said first information processing apparatus in said network (Liao: col. 14, lines 40-60; col. 7, lines 10-18); and

said apparatus further comprises an access controlling means for controlling accesses made to said first information processing means through said network on the basis of any one of said information processing apparatus identification information, said content identification information and said broadcasting identification information (transmission identification information) (Liao: col. 9, lines 23-47), which have been acquired from a third information processing apparatus (Liao: col. 9, lines 62- col. 10, line 24).

Regarding claim 11,

The Liao reference teaches an information processing apparatus according to claim 8, where a first information processing apparatus identification information and said content identification information are disseminated.

The Liao reference does not explicitly state broadcast identification.

The Marko reference teaches information disseminated by broadcasting, said extraction means further extracts broadcasting identification information (transmission identification information) assigned to said broadcasting (Marko: col. 4, lines 61- col. 5, line 13); and said storage means further stores said broadcasting identification information (transmission identification information) by associating said broadcasting identification information (transmission identification information) with said first information processing apparatus identification information and said content identification information (Marko: col. 5, lines 10-13).

The Marko reference further teaches the invention utilizes a system controller to format message with an ID for a cost effective broadcast transmission (Marko: col. 6, lines 17-36). Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the information processing apparatus as taught by Liao while employing broadcast identifiers as taught by Marko in order to utilize cost effective broadcasts with Identifiers.

Claim 4-5 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,292,833 by Liao et al in view of JP02002112156A by Hirota.

Regarding claim 4,

The Liao reference teaches an information processing apparatus according to claim 1.

The Liao reference does not explicitly state a validity-condition.

The Hirota reference teaches acquiring a **validity-condition** concerning validity of presentation of a content from said first information processing apparatus (Hirota: Abstract); and said storage means further stores said validity-condition by associating said validity-condition with said information processing apparatus identification information and said content identification information (Hirota: Abstract).

The Hirota reference further teaches the invention storing program contents as specified by a user by automatically storing required information (Hirota: Abstract).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the information processing apparatus as taught by Laio while employing validity conditions as taught by Hirota in order to automatically store program contents that are specified by a user (Hirota: Abstract).

Claim 5 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Hirota and Liao.

Regarding claim 5, an information processing apparatus according to claim 4, wherein said validity-condition includes information on additional information added by the user receiving data including said information processing apparatus identification information and said content identification information (Liao: col. 7, lines 29-33; col. 12, lines 37-47).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324 until 10/27/2004 and 571-272-3982 after. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662 until 10/27/2004 and 571-272-3978 after. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Application/Control Number: 09/810,188
Art Unit: 2155

Page 13

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324 until 10/27/2004 and 571-272-3982 after.

Benjamin R Bruckart
Examiner
Art Unit 2155

brb
September 23, 2004

brb

Bharat Barot.

**BHARAT BAROT
PRIMARY EXAMINER**